

## 2401.603-3

(a) Experience, for appointment of an individual to a position having Contracting Officer authority, shall consist of a minimum of two years experience performing contracting, procurement or purchasing operations in a government or commercial procurement office. Alternatively, where appointment of a Contracting Officer involves a specialized procurement field, experience in that field may be considered as a criterion for the appointment.

(b) Educational requirements for an individual in a position having Contracting Officer authority shall be, as a minimum, the equivalent of a Bachelor's Degree from an accredited college or institution preferably with major studies in Business Administration, Law, Accounting or related fields. Experience related to the field of procurement involved (e.g., supply construction, etc.), gained in a government or nongovernment contracting office, may be substituted for educational requirements when it is determined in writing and made a part of the appointment files (as stipulated in 2401.603-3(b)) that a potential appointee is otherwise qualified by virtue of extensive contract-related experience or training.

(c) Training courses as prescribed by the Senior Procurement Executive.

(d) The selection requirements specified in paragraphs (a) through (c) of this section are applicable to all personnel whose primary duties are performed as a Contracting Officer.

[49 FR 7697, Mar. 1, 1984; 49 FR 10930, Mar. 23, 1984, as amended at 57 FR 59787, Dec. 15, 1992; 64 FR 46094, Aug. 23, 1999]

### 2401.603-3 Appointment.

(a) Appointments to officials not expressly delegated procurement authority by a published departmental delegation of authority shall be made in writing by the Head of the Contracting Activity. The Certificate of Appointment (SF 1402) shall constitute the appointing official's determination that the appointee meets the selection requirements set forth at 2401.603-2.

[64 FR 46094, Aug. 23, 1999]

## 48 CFR Ch. 24 (10-1-05 Edition)

### PART 2402—DEFINITIONS OF WORDS AND TERMS

Sec.

2402.000 Scope of part.

#### Subpart 2402.1—Definitions

2402.101 Definitions.

AUTHORITY: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

#### 2402.000 Scope of part.

This part contains definitions of terms used generally throughout the HUDAR, in addition to those set forth in FAR part 2. Additional definitions will be found in individual subparts of the FAR and HUDAR covering terms used in those subparts only.

[49 FR 7699, Mar. 1, 1984]

#### Subpart 2402.1—Definitions

##### 2402.101 Definitions.

*Accounting Office* means the Office of Accounting Operations within the Office of the Chief Financial Officer and includes that Office's field components.

*Chief Procurement Officer* means the HUD official having authority for all of the Department's procurement activities.

*Department* means the Department of Housing and Urban Development, which may also be designated as HUD.

*Government Technical Monitor (GTM)* means the individual responsible for assisting a Government Technical Representative in the latter's performance of his/her duties.

*Government Technical Representative (GTR)* means the individual serving as the Contracting Officer's representative responsible for monitoring the technical aspects of a contract, including guidance, oversight, and evaluation of the Contractor's performance and deliverables.

*Head of Contracting Activity (HCA)* is defined in accordance with the FAR. The following HUD officials are designated HCAs:

(1) Director, Office of Procurement and Contracts, for HUD Headquarters procurement; and

(2) The Directors, Field Contracting Operations, for field procurement.

## Department of Housing and Urban Development

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*Legal Counsel* means the Office of General Counsel in Headquarters, or the cognizant Assistant General Counsel in the field.

*Primary Organization Heads* are those officials of the Department who are responsible for the major organizational components of HUD and who report directly to the Secretary or Deputy Secretary. The Primary Organization Heads of HUD include the Assistant Secretaries and equivalent Departmental management (e.g., President, GNMA, Inspector General, General Counsel, Chief Procurement Officer, etc.).

*Secretary* means the Secretary of the Department of Housing and Urban Development, or his or her designee.

*Senior Procurement Executive* means the Chief Procurement Officer.

[64 FR 46094, Aug. 23, 1999]

### **PART 2403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST**

#### **Subpart 2403.1—Safeguards**

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#### **Subpart 2403.2—Contractor Gratuities to Government Personnel**

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#### **Subpart 2403.3—Reports of Suspected Antitrust Violations**

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#### **Subpart 2403.4—Contingent Fees**

2403.405 Misrepresentations or violations of the Covenant Against Contingent Fees.

#### **Subpart 2403.5—Other Improper Business Practices**

2403.502-70 Subcontractor kickbacks.

#### **Subpart 2403.6—Contracts With Government Employees or Organizations Owned or Controlled by Them**

2403.602 Policy.

2403.670 Solicitation provision and contract clause.

AUTHORITY: 42 U.S.C. 3535(d).

SOURCE: 49 FR 7700, Mar. 1, 1984, unless otherwise noted.

#### **Subpart 2403.1—Safeguards**

##### **2403.101 Standards of conduct.**

Detailed rules which apply to the conduct of HUD employees are set forth in 5 CFR part 2635 and 5 CFR part 7501.

[64 FR 46095, Aug. 23, 1999]

#### **Subpart 2403.2—Contractor Gratuities to Government Personnel**

##### **2403.203 Reporting procedures.**

Suspected violations of the gratuities clause (FAR 52.203-3) shall be reported to the Head of the Contracting Activity (HCA) in writing. The HCA will request the Office of Inspector General (OIG) to conduct any necessary investigation. Upon receipt of the OIG report, the HCA will evaluate the circumstances to determine if a violation has occurred. The HCA will refer violations and recommended corrective actions to the Senior Procurement Executive for disposition.

[49 FR 7700, Mar. 1, 1984, as amended at 51 FR 7948, Mar. 7, 1986]

##### **2403.204 Treatment of violations.**

The Senior Procurement Executive will process violations in accordance with FAR 3.204.

[49 FR 7700, Mar. 1, 1984, as amended at 51 FR 7948, Mar. 7, 1986]

#### **Subpart 2403.3—Reports of Suspected Antitrust Violations**

##### **2403.303-70 Reporting requirements.**

Potential anti-competitive practices such as described in FAR subpart 3.3, evidenced in bids or proposals, shall be reported to the Office of General Counsel through the Head of the Contracting Activity with a copy to the Senior Procurement Executive and the Inspector General. The Office of General Counsel will provide reports to the Attorney General as appropriate.

[49 FR 7700, Mar. 1, 1984, as amended at 51 FR 7948, Mar. 7, 1986]